

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

SMARTDESKS, INC., et al.	*	
Plaintiffs	*	
vs.	*	CIVIL ACTION NO. MJG-05-3456
CBT SUPPLY, INC., et al.	*	
Defendants	*	
*        *        *        *	*        *        *	*        *

MEMORANDUM AND ORDER

The Court has before it Plaintiffs' Motion in Limine to Exclude Attorney-client Privileged Communications and Related Derived "Evidence" [Paper 46] and the materials submitted relating thereto. The Court finds that neither a response nor a hearing is necessary.

Plaintiff contends that the Defendants (and/or counsel) have improperly obtained and/or utilized materials that are and were subject to Plaintiffs' attorney-client privilege. They seek, at the present stage, an Order that would exclude from evidence any materials obtained in violation of Plaintiffs' privilege and anything derived therefrom.

A free standing motion to suppress evidence can have utility in a criminal case and perhaps in some civil cases as well. However, in the instant case it will be necessary to await a specific context in order to ascertain whether there is

particular evidence proffered by Defendants that cannot be admitted for a particular purpose.

Accordingly:

1. Plaintiffs' Motion in Limine to Exclude Attorney-client Privileged Communications and Related Derived "Evidence" [Paper 46] is DENIED.
2. This action is without prejudice to Plaintiffs' ability to object to specific evidence in a specific context on any reasonably debatable ground.

SO ORDERED, on Wednesday, May 31, 2006.

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/ s /  
Marvin J. Garbis  
United States District Judge